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ON PAGE 6NEWSDAY  
9 MAY 1977

# 3 Suits Challenge CIA Mail Searches

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By Aric Press

Brooklyn—Almost two years after the Rockefeller Commission disclosed that the Central Intelligence Agency had opened Americans' mail to Moscow for 20 years, the first civil trial seeking damages from the U.S. government for the surveillance program was to begin today.

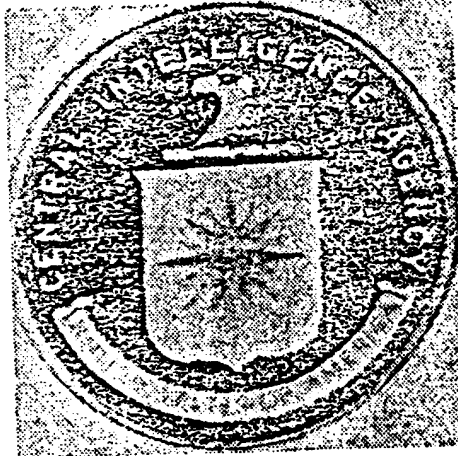
Three suits, brought by Amherst College sociology professor Norman Birnbaum, Minneapolis advertising executive Leonard Avery and Mary Rule MacMillen of Massachusetts claim that the government should be held liable for up to \$50,000 for opening and copying three letters.

The two men assert that CIA examination of two letters Birnbaum sent to a Russian professor, D.M. Ugrinovitch, and agents' opening of a letter Avery's son, Michael, mailed home from Moscow violated both the U.S. constitution and their privacy rights.

Ms. MacMillen has emerged as a mystery participant in this action, since both her American Civil Liberties Union lawyers and the Justice Department have asked that the contents of her letter, which was opened in 1973, and her Russian addressee remain secret. The contents, her lawyers say, are personal and she does not want her privacy invaded further.

The letters were opened as part of a counterintelligence and surveillance project known as HTLINGUAL, which the CIA operated from 1953 to 1973, first in a Manhattan post office and then from LaGuardia and Kennedy Airports. Under the program, according to 1975 testimony before the Senate Select Intelligence Committee, agents opened more than 200,000 pieces of mail and intercepted and photographed more than 27 million envelopes.

According to committee chairman Frank Church (D-Idaho), the CIA intercepted some mail from, among others, Sens. Edward Kennedy (D-Mass.) and Hubert Humphrey (D-Minn.), Martin Luther King Jr., and Federal Re-



serve Board chairman Arthur Burns. The bulk of the interceptions, which peaked in the late 1950s and again in the early 1970s, involved ordinary Americans.

During the committee hearings, former CIA officials, including Richard Helms, agency director from 1966 to 1973, testified that they realized the program was illegal. However, according to testimony of agency officials, the operation continued because a variety of government and White House officials appeared to have had knowledge of the program and approved it—or did not act to stop it.

In January, the U.S. Department of Justice announced that it would not prosecute any CIA officials for HTLINGUAL. While similar actions "undertaken today" would be unlawful, a department memorandum said, authorities had "... concluded that a prosecution of the potential defendants for these activities would be unlikely to succeed because of the unavailability of important evidence and because of the state of the law that prevailed during the course of the mail openings program."

The memorandum also said: "The issue in these past programs ... relates less to personal guilt than to official governmental practices that extended over two decades. In a very real